

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.22444 of 2012 and

M.P.No.1 of 2012

S. Balakrishnan

...Petitioner

v.

1. The District Collector,
Thiruvallur District, Thiruvallur.

2. The Revenue Divisional Officer,
Thiruvallur District, Thiruvallur.

3. The Tahsildar,
Poonamallee Taluk,
Thiruvallur District.

4. T. Namratha

5. Dayalan

[R4 and R5 Impleaded as per order
dated 30.08.2012 in M.P. No.2/2012 in
W.P. No.22444/12]

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the appeal of the petitioner dated 19.06.2012 under due process of law after affording an opportunity to the petitioner to present his claim.

For Petitioner : Mr. M. Sriram
for Mr. G.Bharadwaj

For Respondents : Mrs. K. Bhuvaneswari
Addl. Govt. Pleader - for R1 to R3
No Appearance - for R4
Mr. S. Ganesh - for R5

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the appeal of the petitioner dated 19.06.2012 under due process of law, after affording an opportunity of hearing to the petitioner, within a time frame.

2. Mr. M.Sriram, learned counsel appearing for the petitioner submitted that though the petitioner has filed an appeal before the 2nd respondent as early as on 19.06.2012, challenging the order passed by the 3rd respondent refusing to grant patta to the petitioner, the 2nd respondent has not passed any order sofar.

3. Mrs. K. Bhuvaneswari, learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the 2nd respondent may be directed to dispose of the appeal within a time frame, in accordance with law, after giving notice to all the interested parties.

4. Mr. S. Ganesh, learned counsel appearing for the 5th respondent submitted that the 5th respondent has also filed a Civil Suit in O.S. No.251 of 2012, on the file of the Principal District Munsif Court, Poonamallee and the same is pending.

5. It is needless to say that a decree passed in a Civil Suit shall have a bearing on the issuance of patta. However, since the appeal preferred by the petitioner is pending for more than 8 years, I direct the 2nd respondent to dispose of the appeal dated 19.06.2012 and pass orders, on merits and in accordance with law, after giving notice to all the interested parties, within a period of twelve weeks from the date of receipt of a copy of this order.

With these observations, the Writ Petition is disposed of. No costs. Consequently the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Revenue Divisional Officer,
Thiruvallur District, Thiruvallur.
3. The Tahsildar,
Poonamallee Taluk,
Thiruvallur District.

+1cc to the Government Pleader, S.R.No. 26347
+1cc to Mr.G.Bharadwaj, Advocate, S.R.No.26213

W.P.No.22444 of 2012 and
M.P.No.1 of 2012

SSV(CO)
KKV/18/08/2020